

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

MICHAEL MCCARTNEY,

Plaintiff,

v.

Civil Action No. 5:07-CV-103

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

**ORDER GRANTING PLAINTIFF'S APPLICATION TO PROCEED IN FORMA
PAUPERIS**

On August 13, 2007, Michael McCartney, ["Claimant"], filed a complaint for review of Defendant's denial of his application for Social Security benefits pursuant to 42 U.S.C. § 405(g) and 42 U.S.C. § 1381(c)(3) and an Application for Leave to Proceed in forma pauperis.

Claimant's application reveals that he is not employed. Claimant has not received any income in the past twelve months from business, rent payments, interest, dividends, pensions, annuities, life insurance, disability, workers' compensation, gifts, or inheritance. Claimant does not have a checking or savings account and does not own any real estate, stocks, bonds, securities, other financial instruments, automobiles or any other items of value. Claimant does not have any dependants.

Accordingly, it is ORDERED that Claimant's August 13, 2007 Application to Proceed in forma pauperis is GRANTED. The Clerk of the Court is directed to notify the United States Marshal Service who shall serve process pursuant to Federal Rule of Civil Procedure 4(c)(2). Any recovery in this action will be subject to payment of fees and costs, including service of process fees and the \$350.00 filing fee.

DATED: August 20, 2007

/s/ James E. Seibert
JAMES E. SEIBERT
UNITED STATES MAGISTRATE JUDGE